

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|------------------------------------|---|----------------|
| ----- | X | |
| | : | 21cv3657 (DLC) |
| ANTOINETTE SMITH, FRED SANTOS, and | : | |
| CHARLES TUCKER | : | <u>ORDER</u> |
| | : | |
| Plaintiffs, | : | |
| -v- | : | |
| | : | |
| APPLE INC., | : | |
| | : | |
| Defendant. | : | |
| ----- | X | |


DENISE COTE, District Judge:

The plaintiffs' first amended complaint ("FAC") invokes this Court's diversity jurisdiction pursuant to 28 U.S.C. § 1332(d)(2). Diversity jurisdiction under 28 U.S.C. § 1332(d)(2) is not available if "the number of members of all proposed plaintiff classes is less than 100." 28 U.S.C. § 1332(5)(B). The FAC does not allege that the number of members of its proposed classes is at least 100. Accordingly, it is hereby

ORDERED that, if the plaintiffs wish to invoke this Court's diversity jurisdiction under 28 U.S.C. § 1332(d)(2), the plaintiffs shall amend their complaint no later than **February 4, 2022** to include allegations sufficient to satisfy § 1332(d)'s requirements, so long as the plaintiffs can do so in good faith and consistent with the requirements of Fed. R. Civ. P. 11.

IT IS FURTHER ORDERED that no other amendments to the FAC shall be included with the amendments made pursuant to this Order.

Dated: New York, New York
February 2, 2022



DENISE COTE
United States District Judge